

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

FREDERICK BURTON

v.

**MARTIN HORN, GERALD L. ROZUM,
THE DISTRICT ATTORNEY OF THE
COUNTY OF PHILADELPHIA and
THE ATTORNEY GENERAL OF THE
STATE OF PHILADELPHIA**

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CIVIL ACTION

No. 09-2435

ORDER

AND NOW, this 27th day of March, 2013, after careful and independent consideration of the petition for a writ of habeas corpus, the Report and Recommendation and supplemental Report and Recommendation of United States Magistrate Judge Elizabeth T. Hey, petitioner's objections, and all other relevant papers in the record, and for the reasons set forth in the accompanying memorandum, it is **ORDERED** that:

1. Petitioner's objections to the Report and Recommendation (paper no. 52) and supplemental Report and Recommendation (paper no. 68) are **OVERRULED**.
2. The Report and Recommendation (paper no. 46) and supplemental Report and Recommendation (paper no. 64) are **APPROVED** and **ADOPTED**.
3. The petition for a writ of habeas corpus (paper no. 1) is **DISMISSED** as untimely.
4. There is no basis for issuing a certificate of appealability.

/s/ Norma L. Shapiro

J.